



PUBLIC NOTICE

Federal Communications Commission
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WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON ALOHA PARTNERS, L.P.'S REQUEST FOR WAIVER OF SECTION 27.60

Comment Date: August 2, 2004

Reply Comment Date: August 17, 2004

On June 18, 2004, Aloha Partners, L.P. ("Aloha") filed an application, File No. 0001777981, and an accompanying request for waiver of section 27.60 of the Commission's rules, 47 C.F.R. § 27.60. Section 27.60 sets forth the protection criteria for base, fixed, control and mobile transmitters operating in the 698-764 MHz and 776-794 MHz frequency bands, in order to reduce the potential for interference to public reception of existing TV/DTV broadcast stations transmitting on Channels 51 through 68.

In its application, Aloha seeks to deploy seven land mobile base stations, each of which is located within the Grade B contour of adjacent channel analog television broadcast station KWBA in Sierra Vista, Arizona, near Tucson. Aloha's own channelization plan within its "C-Band" allocation (740-746 MHz) proposes operation on two 1.25 MHz channels located 3 MHz above the upper edge of TV channel 58 (734-740 MHz). In support of its waiver request, Aloha submits an engineering study and claims that the possibility of interference to the off-air reception of KWBA is virtually non-existent.

Interested parties may file comments on Aloha's waiver request on or before August 2, 2004. Parties interested in submitting reply comments must do so on or before August 17, 2004. All comments should reference the DA number of this Public Notice, together with the Mobility Division of the Wireless Telecommunications Bureau, and should be filed with the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington, DC 20554.¹ A copy of each filing should also be sent to: (1) Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, DC 20554; (2) Maria Ringold, Federal Communications Commission, Consumer and Governmental Affairs Bureau, Reference Information Center, 445 12th Street, S.W., Room CY-B529, Washington, DC 20554; (3) Michael Ferrante, Federal Communications Commission, Wireless Telecommunications

¹ The address for FCC filings should be used only for documents sent via the United States Postal Service first-class mail, Express Mail and Priority Mail. Hand-delivered or messenger-delivered documents for the Commission's Secretary are accepted only at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service Express Mail and Priority Mail) should be addressed for delivery to 9300 East Hampton Drive, Capitol Heights, MD 20743. See FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence, *Public Notice*, 16 FCC Rcd 22165 (2001).

Bureau, Mobility Division, 445 12th Street, S.W., Washington, DC 20554; and 4) Jay O'Connor, Federal Communications Commission, Wireless Telecommunications Bureau, Mobility Division, 445 12th Street, S.W., Washington, DC 20554.

The waiver request and responsive comments and reply comments will be available for inspection and duplication during regular business hours in the Reference Information Center of the Consumer Information Bureau, Federal Communications Commission, 445 12th Street, S.W., Room CY-A257, Washington, DC 20554. Copies may also be obtained from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, DC 20554, (202) 488-5300, facsimile (202) 488-5563, email fcc@bcpiweb.com. For further information regarding the public reference file for this request, contact Maria Ringold, Chief, Wireless Branch, Reference Information Center, (202) 418-1355.

Because of the policy implications and potential impact of this proceeding on persons not parties to this request, we believe it would be in the public interest to treat this matter as a permit-but-disclose proceeding under the *ex parte* rules, *see* Sections 1.1200(a) and 1.1206 of the Commission's Rules, 47 C.F.R. §§ 1.1200(a), 1.1206, rather than a restricted proceeding under Section 1.1208 of the Commission's Rules, 47 C.F.R. § 1.1208. Therefore, any *ex parte* presentations that are made with respect to the issues involved in the subject request, subsequent to the release of this Public Notice, will be allowed but must be disclosed in accordance with the requirements of Section 1.1206(b) of the Commission's Rules, 47 C.F.R. § 1.1206(b).

For further information, contact Michael Ferrante or Jay O'Connor, Mobility Division, Wireless Telecommunications Bureau at (202) 418-0620, TTY (202) 418-7233, or via email to Michael.Ferrante@fcc.gov or Jay.OConnor@fcc.gov.

By the Associate Chief, Mobility Division, Wireless Telecommunications Bureau.

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